

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CRIMINAL ACTION NO. 07-10066-RGS

UNITED STATES OF AMERICA

v.

RANDY GREGOIRE

MEMORANDUM AND ORDER ON  
DEFENDANT'S MOTION TO VACATE CONVICTION

January 29, 2021

STEARNS, D.J.

Defendant Randy Gregoire pled guilty in 2007, to among other crimes, being a felon in possession of a firearm pursuant to 18 U.S.C. § 922(g). On February 22, 2008, he was sentenced by the court to 180 months of imprisonment followed by 60 months of supervised release.<sup>1</sup> As the indictment was returned and the plea taken prior to the Supreme Court's decision in *Rehaif v. United States*, 139 S. Ct. 2191 (2019), neither the indictment nor the district court in the plea colloquy explicitly informed Gregoire that scienter is an essential element of the offense; specifically that the government was required to prove that, at the time of the offense, he

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<sup>1</sup> Gregoire's sentence was subsequently reduced on May 30, 2019, to time served followed by four years of supervised release after the court granted his "First Step Act" petition. Although discharged from the committed portion of his federal sentence, Gregoire is serving a state sentence on an unrelated matter, and still faces the four-year term of supervised release.

knew that he belonged to the category of persons (convicted felons) who are prohibited from possessing firearms and ammunition. He now moves to vacate his conviction based on *Rehaif*.

Given the “limited and unusual circumstances” of Gregoire’s case (as outlined in the Government’s Response (Dkt # 92), the government states that it does not oppose the allowance of the motion to vacate Gregoire’s § 922(g) conviction. The motion to vacate Count IV of the original indictment is therefore ALLOWED.

SO ORDERED.

/s/ Richard G. Stearns  
UNITED STATES DISTRICT JUDGE